

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION (BOSTON)

BARBARA BOSWORTH,)
Plaintiff)
)
VS.) C.A. NO.
)
THE FRESH MARKET, INC.,)
Defendant)
)

MOTION FOR REMOVAL OF DEFENDANT, THE FRESH MARKET, INC.

TO THE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF MASSACHUSETTS (EASTERN DIVISION):

The Motion of Defendant, The Fresh Market, Inc. (hereinafter “Fresh Market”), by its attorneys, Boyle | Shaughnessy Law P.C., for removal of this action from the Plymouth Superior Court of the Commonwealth of Massachusetts, County of Plymouth, Massachusetts, to the United States District Court for the District of Massachusetts (Eastern Division), respectfully shows:

FIRST: That the petitioner herein is a defendant in a civil action brought against it in the Plymouth Superior Court of the Commonwealth of Massachusetts, County of Plymouth, Massachusetts, entitled “Barbara Bosworth v. The Fresh Market, Inc.” Said action bears Civil Action No.: 2183CV00228.

SECOND: That the aforesaid action was commenced by the filing of a Complaint alleging negligence against the defendant, Fresh Market, on or about March 29, 2021. (See the *Complaint* attached hereto as **Exhibit A.**)

THIRD: The defendant filed a responsive pleading to the Plaintiff’s Complaint on or

about May 11, 2021. (See *Answer of the Defendant, Fresh Market, Inc.*, attached hereto as **Exhibit B.**)

FOURTH: That as set forth in the Complaint, the plaintiff is an individual who resides in Braintree, Massachusetts.

FIFTH: The defendant, Fresh Market, is a Delaware corporation registered to do work in the Commonwealth of Massachusetts with a principal place of business located at 628 Green Valley Road, Ste. 500, Greensboro, North Carolina.

SIXTH: That, by reason of the above, the above-captioned action is a civil action brought in a state court of which the United States District Courts have original jurisdiction under the provisions of Title 28, U.S.C. Section 1332 and is one which may be removed to this Court by the petitioners, defendants therein, pursuant to the provisions of Title 28, U.S.C. Section 1332(a) and Sections 1441 and 1446.

SEVENTH: There is diversity of citizenship under 28 U.S.C. § 1332 (a), where defendant is a Delaware corporation with a principal place of business in North Carolina, and Plaintiff is a resident of Massachusetts.

WHEREFORE, the petitioner prays that this cause proceed in this Court as an action properly removed thereto.

THE DEFENDANT,
THE FRESH MARKET, INC.
BY ITS ATTORNEYS,

Date: 5/13/2021

/s/ Peter L. Bosse, Esq. (BBO# 633453)

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 13th day of May, 2021.

/s/ Peter L. Bosse, Esq. (BBO# 633453)